Experimental Legal Education in a Globalized World
CONTENTS

Introduction ........................................................................................................... x

The Editors ........................................................................................................... xvii

Contributors ....................................................................................................... xix

Part I: Global Legal Education Approaches

Introduction ........................................................................................................ 2

Chapter One ....................................................................................................... 4
Global Legal Education: The Role of Clinics in Legal Education Reform
Frank S Bloch

Chapter Two ..................................................................................................... 13
A Theoretical Framework to Clinical Legal Education:
The Legal Clinic as a Laboratory
Yuval Elbashan

Chapter Three .................................................................................................. 29
The Assumption of Responsibility: Supervision Practices in Experiential Legal Education
Jeff Giddings

Part II: Middle East Legal Education Experiences

Introduction ...................................................................................................... 54

Chapter Four ................................................................................................... 57
A Dialogue on Jordanian Legal Education
Nisreen Mahasneh and George Critchlow
Chapter Five ........................................................................................................ 85
After the Revolution: Laying a Foundation for Experiential Education in Egypt
Stephen A Rosenbaum

Chapter Six ........................................................................................................ 107
Legal Clinics and Community Service in the Arab Spring between Reality and Hope: The Case of Egypt
Camilia S Camal

Chapter Seven ...................................................................................................... 115
Scenes from a Domestic Violence Clinic in the Gulf: The Case of Qatar
Mary Pat Treuthart and Stephen A Rosenbaum

Chapter Eight ...................................................................................................... 144
Modernization Prospects for Legal Education in Iran
Sahar Maranlou

Chapter Nine ....................................................................................................... 151
Accessing Justice and the Role of Law School Legal Clinics in a Conflict-Affected Society: A Case Study from Afghanistan
Richard Grimes

Part III: Legal Education Experiences in and for Palestine

Introduction .......................................................................................................... 174

Chapter Ten ........................................................................................................... 177
History of British Legal Education in Mandatory Palestine
Assaf Likhovski

Chapter Eleven .................................................................................................... 198
Modern Legal Education in Palestine: The Clinical Programs of Hebron University
Mutaz M Qafisheh

Chapter Twelve ................................................................................................... 236
Criminal Defense Law Clinics: A Path to Better Lawyering in Palestine
Nael Ghannam, Natalie Rea, and Nicole Taylor
Chapter Thirteen ............................................................... 254
Applying a Human Rights Based Approach in Legal Education:
A Case Study of Gender Justice in Palestine
Deena R Hurwitz

Chapter Fourteen ......................................................... 292
Pedagogy for a Globalized International Legal World:
The Question of Palestine
Sanford R Silverburg

Chapter Fifteen .......................................................... 310
Pioneering Legal Education Reform through Experiential Learning:
An Opportunity for Palestine
David F Chavkin

Part IV: Selected Models on Clinical Legal Education

Introduction ................................................................. 330

Chapter Sixteen .......................................................... 333
Teaching Social Justice to Law Students Through Clinical Legal
Education and Community Service: A South African Experience
David McQuoid-Mason

Chapter Seventeen ....................................................... 344
Making the Path by Walking: Clinical Legal Education Experiences
from a Nigerian Perspective
Onuora-Ogungu Azubike

Chapter Eighteen .......................................................... 352
Celebrating a Decade of Clinical Legal Education in Nigeria:
It is Not Yet Uhuru!
Kevwe M Omoragbon

Chapter Nineteen .......................................................... 362
Indian Legal Education: Quest for Third Generation Reform
Shuvro P Sarker
Chapter Twenty ................................................................. 376
Introducing Interactive Teaching Methods in Vietnam:
A Model for Effective Learning of the Law?
Rebecca Parker

Chapter Twenty-One .......................................................... 394
Student Clinical Legal Services in China and Germany:
An Analysis of the Status Quo
Jan-Gero A Hannemann and Jan Lampe

Chapter Twenty-Two ............................................................ 406
Bucerius Law Clinic: A Model for a Student-Run Legal Clinic
Judith Büschleb and Julian Udich

Chapter Twenty-Three .......................................................... 418
Problem-Based Learning at York Law School;
Using Medical Law Module and the Integrated Approach
Katarzyna Gromek-Broc and Richard Hedlund

Chapter Twenty-Four ............................................................ 438
Multi-Disciplinary Practice in a Community Environment
in Monash University: Clinical Legal Education Combined
with Holistic Service Provision
Richard Foster

Part V: Thematic Legal Education Issues

Introduction ............................................................................. 448

Chapter Twenty-Five ............................................................. 450
Teaching Ethics Clinically without Breaking the Bank
Donald Nicolson

Chapter Twenty-Six ............................................................... 472
Teaching Legal Ethics to Legal Advisors
Shadi A Alshdaifat

Chapter Twenty-Seven ........................................................... 480
Islamic Law Teaching: Current Global Legal Education Perspectives
Anand K Tripathi
Chapter Twenty-Eight ................................................................. 493
The Right to Education During Armed Conflict:
A Challenge for the Future

Jacopo Terrosi
In an ever-interdependent world, legal education is undergoing a paradigm shift. Traditional law instruction, the lecturing and mere memorizing, have become a fading fashion. Legal clinics are cropping up. Students seek to practice while studying and can contribute to social justice as part of the educational process. Students no longer accept one-way interaction from their professors. They want moot competitions and mock trials, to appear in court, serve their communities, defend human rights, and interact with their peers in various corners of the globe. The old legal doctrine that confines law to fixed national borders is no longer working in the face of technology. Simply put, today’s challenges cannot be solved by past tactics.

The Middle East is no exception when it comes to adopting new trends. Legal clinics, with various levels of development, can be found in most countries of the region: Bahrain, Egypt, Iraq, Iran, Jordan, Kuwait, Lebanon, Morocco, Oman, Palestine, Qatar, Tunisia, Turkey, and United Arab Emirates. Other countries are contemplating new clinics. However, little literature can be found on legal education in the region, particularly clinical legal education. This book aims to fill in the existing gap, and, at the same time, offer comparative cases that might benefit legal educators, justice practitioners, and educational as well as juridical policy-makers in the Middle East and beyond.

This region, in turmoil and conflict, needs reform in all respects: political, economic, social, religious, legal, and educational. Legal education lies at the heart of such long awaited reforms. As it proved in other regions, legal education can contribute to respect of the rule of law and realization of human rights, especially in times of transition. Clinical legal education comes to legal education reform as a practical tool. Hence, this book examines legal education within selected locations in the Middle East, and
underscores successful pedagogical models from various parts of the world.

By and large, legal education in the Middle East is characterized as theoretical. It historically followed the French model, starting in the Ottoman Empire/Turkey and later in Egypt, and from there spread to the rest of the region. Typically, in the course of pursuing a Bachelor of Laws (LLB), students sit in the classroom and listen to professors, memorizing often out-dated textbooks or notes, and regurgitate what they studied in the exams at the end of a semester or a school year. Skills-oriented legal education, for example case analysis and field work, is still lacking. Nisreen Mahasneh and George Chritchlow highlight deficits in legal education in Jordan as a case-in-point in the region (chapter 4). Camilia Camal (chapter 6) and Stephen Rosenbaum (chapter 5) paint a similar picture in Egypt. However, the region is not removed from educational trends that have overrun the globe during the past decade.

This book is largely the outcome of an international conference on Global Legal Education Approaches: Experiences for Palestine, organized by Hebron University School of Law and Legal Clinics in October 2013. Authors who were unable to participate in the conference held in Palestine submitted papers afterwards. As legal education in Palestine is similar to that taking place in most law schools in the region, the editors decided to expand the title of the book to include experiences in and for the Middle East. A number of contributors met in Delhi during the conference of the Global Alliance of Justice Education (GAJE) in December 2013, including the two editors themselves, one from Palestine and the other from the United States, both of whom had shared interests in human rights education and Middle Eastern and broader international experience.

Anonymously peer-reviewed, this book focuses on practical legal education, where learning is student-centered, particularly clinical legal education, field work, street law, community service, simulations, placements/internships, moot courts and mock trials, problem-based learning, case analysis, group work, role-play, and brainstorming. Some of these models are well-established in certain universities, while others can benefit by exchanging expertise and best practices across borders. A successful law school or clinic, old or new, anywhere in the world, will grow from the exchange, regardless of the distance, culture, context, jurisdiction, or level of economic development.
The book incorporates chapters written by leading legal scholars from most continents, and represents the major jurisdictions of the globe. A number of scholars are emeriti professors with decades of legal teaching and practical experience. Others are deans of law schools, founders of legal clinics, or currently run clinical programs. Yet others are students who contributed to the development of clinical movement. Writers come from developed and developing countries; all are concerned with the advancement of legal education, to make it more interactive, and to contribute to bridging the gap between the powerful and powerless communities.

The book is composed of five parts, comprising a total of 28 chapters. Each part includes three to nine chapters representing a common theme.

Part I presents an overview of certain global legal education approaches, with a particular focus on clinical education. The first chapter is written by Frank Bloch, editor of the oft-cited *Global Clinical Movement: Educating Lawyers for Social Justice* and GAJE Executive Secretary. Bloch, who was one of the keynote speakers at the aforesaid Hebron University conference, tackles the ‘Role of Clinics in Legal Education Reform.’ His chapter is devoted to what is arguably the primary goal of clinical education: the advancement of legal education worldwide. Yuval Elbashan, with his diverse experience around the world, views the legal clinic as a ‘laboratory’ and offers an elegant consideration on the theoretical basis for the clinical legal education, in chapter two. The third chapter is by Jeff Giddings, whose experience-based book, titled *Promoting Justice through Clinical Legal Education*, covers the second goal of clinical education, namely the social justice mission. This chapter sheds light on the significance of supervision in experiential education as a means for both professors and students to assume ethical responsibility for the cases they handle and the communities they serve. These three chapters lay the foundation for the specific regional, national, local, and thematic models of legal education set forth in the following chapters of the book.

Parts II venture into the genesis of the book, by addressing legal education experiences in a number of countries and universities in the Middle East: Jordan, Egypt, Qatar, Iran, and Afghanistan (Part III is devoted entirely to legal education in Palestine). Although there are variations from one country to another and between law schools or clinics within each country, this part examines the common characteristics of Middle Eastern legal
instruction. Most clinics in the region have been influenced by the North American approaches, as shown by Mahasneh and Critchlow in their stimulating dialogue on Jordanian legal education in chapter 4. Despite all the challenges it faces in the post-January 2011 ‘revolutionary’ (or ‘counter-revolutionary’) era, Egypt may continue to be the most influential country in the region: politically, socially, culturally, educationally, and legally. As noted above, Egyptian legal education mainly follows the continental law school model and has impacted, positively and negatively, almost all countries in the region. Rosenbaum and Camal offer external and internal perspectives on the challenges of Egyptian reform in chapters 5 and 6, respectively, with specific reference to the role of clinical education in the aftermath of the ‘Arab Spring.’

Other models are also discussed in Part II. Legal clinics in the Gulf States are emerging, with new clinics in Bahrain, Kuwait, Oman, Qatar, and United Arab Emirates. These clinics were all found, or are in the process of being set up, with the support of experts from well-established clinics. Rosenbaum and Mary Pat Treuthart chronicle the development of a clinic in Qatar in chapter 7. They highlight one of the major human rights concerns in that sub-region, namely domestic violence. In chapters 8 and 9, Sahar Maranlou and Richard Grimes flag the prospects of modernizing legal education by the adoption of clinical approaches in Iran and Afghanistan, respectively. Both countries are non-Arabic speaking, yet are applying Islamic legal traditions in their judicial systems, and are considered part of the ‘Greater Middle East’ under certain cultural or religious criteria. Afghanistan, as we will see with regard to Palestine as a state under military occupation, represents the role that clinics may play in a conflict-affected society.

Part III is dedicated to legal education experiences in Palestine. Although relatively small, with about 5,000,000 citizens, the country’s legal system presents a unique case. Under military occupation since 1967, the State of Palestine’s legal sources derive from the various schools of the ruling powers: Ottoman/Turkish, British, Jordanian in the West Bank, Egyptian in the Gaza Strip, Israeli military orders, and the Palestinian Authority. Formal legal education started as early as 1920, when British colonial authority established Jerusalem Law Classes as the first law school. As Assaf Likhovski elaborates in chapter 10, this school, followed the practical legal education prevailing at the time in England, and continued until 1948, when Mandatory Palestine was divided into three separate parts: the State of Israel (founded on 78% of Palestine’s land), the West
Bank under Jordanian rule (20%), and the Gaza Strip under Egyptian administration (2%).

From 1948 until 1994, Palestinians in the West Bank and Gaza had no law school; lawyers and judges received their legal training mainly from Europe or in neighboring countries, notably Egypt and Jordan. In 1986, an ambitious LLB program launched at Hebron University and lasted for one year only due to an Israeli military commander’s decision to close down the initiative. It was not until after the establishment of the Palestinian Authority in 1993-1994 that Palestinians were able to open their first law school. The three inaugural law professors, although employed by Hebron University, moved the school to Al-Quds University in the Jerusalem area, as the Hebron campus was still prohibited from teaching law while under Israeli control until 1996. The ban lasted until Israeli troops withdrew from portions of Hebron in 1997. Twenty years after the attempt to open Hebron law faculty, there are now twelve universities in Palestine teaching law. Half of them host legal clinics and the rest are on their way to setting up new clinics. In chapter 11, Mutaz Qafisheh tells the story of modern legal education in Palestine, describing in detail the Hebron University clinical programs over the past five years.

Legal clinics in Palestine are now heading towards specialization, with the first wave of off-campus criminal justice clinics administered by a few universities. As explained by Nael Ghannam, Natalie Rea, and Nicole Taylor, in chapter 12, in their comparison of specialized clinics in Palestine and Afghanistan, such clinics may pave ‘a path to better lawyering.’ Deena Hurwitz, in chapter 13, applies a ‘human rights based approach’ to legal education by proposing a set of methods for mainstreaming gender equality in Palestinian law schools. On another front, Sanford Silverburg suggests, in chapter 14, how to teach legal issues relating to the question of Palestine, keeping in mind the necessity to adopt pedagogical methods for a ‘globalized international legal world.’ Lastly in this part, in chapter 15, David Chavkin asserts that the recent recognition of Palestine as a state by the United Nations, other states and international organizations, gives young Palestinian law schools the opportunity to become pioneers at the regional and global levels by adopting ‘experiential learning’ methodologies, particularly the legal clinic approach.

Part IV summarizes selected models of clinical legal education in nine countries in the Global South and North. These models are now more necessary than ever as a means to learn from one another. David
McQuoid-Mason, who has written hundreds of studies on the role of law students in contributing to social justice, sums up, in chapter 16, his decades-long academic and practical experience on Street Law and community service in dozens of countries, with substantial reference to South Africa. Chapters 17 and 18 discuss clinical education in Nigeria, a trend that began ten years ago, much like in Palestine. In these two chapters, both Onuora-Ogungo Azubike and Kevwe Omoragbon, recommend a number of actions to improve clinical pedagogy, which may enlighten other clinics elsewhere. Shuvro Sarker, in chapter 19, provides an overview of colonial and post-colonial Indian legal education, and the needed measures to enable law schools in India to compete globally and to better serve the marginalized communities. In these four models, the analysis was conducted by professionals with regard to their own countries. On the other hand, Rebecca Parker as an expatriate expert, in chapter 20, offers a study on a recently designed and executed credit-bearing law module in Vietnam, employing a clinical methodology that may be presented with local and contextual adaptations in any country or region, including in the Middle East.

Part IV also compares student clinical legal services between China and Germany in Jan-Gero Hannemann and Jan Lampe’s chapter 21, and touches upon further cases from Europe and Australia. Judith Büschleb and Julian Udich wrote in chapter 22 about their experience with a student-run legal clinic employing ‘an integral approach’ while still studying and administering a law clinic in Hamburg, Germany. Katarzyna Gromek-Broc and Richard Hedlund evaluate, in chapter 23, their own exciting experiment in ‘problem-based learning’ at the University of York, England, using a medical law module to demonstrate the advantages and loopholes inherent in an integrated approach. From Australia, Richard Foster shares, in chapter 24, his experience with a multi-disciplinary clinic in a ‘community environment’ combined with ‘holistic service’ at Monash University.

Lastly, Part V discusses four thematic legal education issues. Donald Nicolson, in chapter 25, and Shadi Alshdaifat, in chapter 26, both concentrate on teaching legal ethics. The former focuses on teaching ethics to law students in clinics, while the latter touches on the ethics of those engaged in dispensing legal advice, including lawyers, professors, judges, prosecutors, and law students. In chapter 27, Anand Tripathi suggests perspectives for bringing Islamic law teaching in line with certain modern global legal education approaches. Jacopo Terrosi concludes this series, in
chapter 28, with a discussion on the right to education during armed conflict. The challenge he lays out has relevance for legal educators in a number of conflict and post-conflict Middle Eastern countries, including Palestine/Israel, Syria, Iraq, Lebanon, Libya, Yemen, and Afghanistan.

The editors are grateful to all those who contributed to the production of this book. Special thanks are due to Dr Nabil Jabari, Chairperson of the Board of Trustees of Hebron University, for his ongoing support to the Hebron law school and legal clinics in the university that organized the international conference upon which this book is largely based. This book would not have been possible without the valuable participation and the support of the following individuals to the aforesaid conference: Hendam Rjoub, Rana Tamim, Carolyn Graydon, Jihad Shomali, Tzili Mor, Nisreen Mahasneh, James Apple, Daniel Breger, Ghassan Abdallah, Loai Ghazawi, Neta Ziv, Hicham Chabaita, Bassam Qawasmeh, Ahmad Switti, and Yasin Sayyed. The editors recognize with gratitude the work of the following persons who contributed to the proofreading of a number of chapters of the book, particularly: Katherine Aspell, Sharmila Bellur, Bridgette J Cooper, Miranda Everitt, Nereida Heller, Charlotte Hill, Jonathan W V Yantzi, and Cecile Farmer. We also thank S Brett DeBoer for the efforts in designing the front cover of the book. Lastly, we appreciate the professional assistance of Cambridge Scholars Publishing and its patience during the editorial process over the past three years.

MQ & SR
Hebron and Berkeley
May 2016
Mutaz M Qafisheh is the founding Dean of Hebron University College of Law and Political Science, Hebron, Palestine, and Associate Professor of International Law. He is a PhD supervisor at the University of Exeter Law School, UK. He holds PhD in International Law and Relations from the Graduate Institute of International and Development Studies, Geneva, Switzerland, and is a practicing international lawyer. He founded the Hebron University 12 legal clinics. He advises a number of global institutions, including the United Nations and Palestine Liberation Organization. Qafisheh formerly worked as Human Rights Officer at the United Nations Office of the High Commissioner for Human Rights in Geneva, Beirut, Lebanon, and Ramallah, Palestine; Regional Director, Middle East and North Africa, Penal Reform International, Amman, Jordan; Director of Security Sector Reform, Birzeit University, Palestine; Director of Legal Education, USAID, Jerusalem, Palestine; and Legal Advisor for Palestinian Parliament. Dean Qafisheh co-founded the Human Rights Program of Al-Quds-Bard Honors College, Jerusalem-New York. He authored and edited six books and some 50 research papers published in Oxford, Cambridge, London, Paris, Oslo, Malta, New York, Sydney, The Hague, India, Leiden, Boston, Newcastle, Geneva, Washington DC, Ramallah, Hebron, and Gaza. Dr Qafisheh’s scholarship relates to public international law, human rights, humanitarian law, international criminal law, negotiation, arbitration, nationality/citizenship, migration, refugees, status of aliens, Israeli-Palestinian conflict, diplomatic and consular law, clinical legal education, gender, legislative drafting, juvenile justice, Islamic law, and the rule of law. He lived and worked in over 15 countries, including Egypt, Qatar, Morocco, Yemen, Sudan, France, the UK, USA, and Canada. He often appears in the media: TVs, radios, and newspapers.

Stephen A Rosenbaum is John & Elizabeth Boalt Lecturer at University of California, Berkeley School of Law, USA, teaching classes in social justice and professional skills. He holds JD and MPP degrees from Berkeley. He has also taught courses for over a decade at Stanford University. In 2012-14, Rosenbaum was Visiting Senior Lecturer at University of Washington, conducting tutorials for international students in clinical methodology and related workshops in Afghanistan; teaching a human rights advocacy seminar; and supervising students in a start-up
international business and human rights clinic. In 2015, he assisted in curriculum development and teaching at American University of Phnom Penh as Professor of Law and was appointed Associate Professor, Golden Gate University School of Law and Supervising Attorney in the Golden Gate women’s employment rights clinical program. Rosenbaum served as legal education advisor with the American Bar Association Rule of Law Initiative in Egypt in 2011-12, helping to establish a legal clinic and conduct national moot court competition. Rosenbaum also aided clinical efforts in Qatar and has lectured to academics and lawyers in francophone Africa as a US State Department speaker specialist. In 2007, he helped initiate a law school clinic and bar association pro bono program in Togo. He previously worked as staff attorney and litigator with various legal services, NGOs and a small plaintiffs’ firm. Rosenbaum’s scholarship focuses on clinical legal education, international human rights, rule of law, disability, special education, lay advocacy, and immigration.
CONTRIBUTORS

Shadi A Alshdaifat is Assistant Professor at the University of Sharjah College of Law, United Arab Emirates, where he teaches Public International Law. He earned an LLB from Mu’ath University, Jordan; an LLM from Dedman School of Law at Southern Methodist University, Dallas, Texas; and an SJD from Golden Gate University School of Law, San Francisco. Dr Alshdaifat has taught in different law schools in the USA and Jordan; assisted refugees in his work for the Law Office of Mitchell and Mir and the Human Rights Initiative in Dallas; and worked as a senior legal advisor for the Saudi Telecom Company in Riyadh.

Onuora-Oguno Azubike obtained his LLB (Nigeria), LM (South Africa), and LLD from the Centre for Human Rights, University of Pretoria, South Africa. He is a Lecturer 1 at the University of Ilorin, Nigeria, where he teaches clinical legal studies. Azubike has supervised clinics on child rights and supported the UN Special Rapporteur on Eritrea. His diverse professional experience includes work with the International Refugee Rights Initiative, Kampala, Uganda, and the Office of the Prosecutor, Information and Evidence Unit, International Criminal Court, The Hague.

Frank S Bloch is Professor of Law Emeritus, Vanderbilt University, USA. He holds a PhD and BA, Brandeis University and JD, Columbia University. He was Director of Clinical Education and Director of the Social Justice Program at Vanderbilt. He has authored or edited nine books, including The Global Clinical Movement (Oxford 2010), and published over 35 articles. Dr Bloch was a Fulbright Professor at Delhi University, India, and a consultant to the International Social Security Association, Administrative Conference of the US, Social Security Advisory Board, and US Agency for International Development. He is a member of the Steering Committee of the Global Alliance for Justice Education (GAJE) and the National Academy of Social Insurance.

Judith Büschleb is the founder of the Bucerius Law Clinic, Hamburg, Germany, in 2011. She studied law and social sciences in Germany and the USA, and worked in different development cooperation and rule of law projects in Latin America. She is Referendarin at the Hamburg High Court.
Contributors

with a focus on preventing and combating corruption in the public sector and compliance in internationally operating companies.

**Camelia S Camal** is Professor of Law and a lawyer. She graduated from the University of Paul Cézanne, Aix-Marseille III, Aix-En-Provence, France, where she was awarded a PhD in public law. Her thesis was entitled *Public-Private Partnerships and the Mechanism of Contractual Balance in Internal and International Law*. Dr Camal is an Alumna of the Ford Foundation International Fellowships Program, USA. She has taught at the College of Law and Political Science, King Saud University, Saudi Arabia; Faculty of Law, Sohar University, Sultanate of Oman, and College of Law, Applied Science University, Kingdom of Bahrain. Her research interests include public private partnerships, administrative law, public international law, constitutional law, human rights, and legal clinics.

**David F Chavkin** is Professor Emeritus of Law at American University’s Washington College of Law, USA. He received his JD from the University of California, Berkeley. He served as a Presidential appointee under Jimmy Carter, and in numerous other government positions and is a frequent consultant to foreign governments and universities on experiential legal education, and legal ethics. Chavkin was also a consultant on health care financing for the US Department of the Treasury. He has written many journal articles and monographs on clinical legal education, health care, and policy issues, and is the author of *Clinical Legal Education: A Text for Law School Clinics* (Anderson Publishing Co 1992).

**George A Critchlow** has been Clinical Law Professor at Gonzaga University School of Law, USA, since 1980. Over the years, while continuing his clinical legal work, he has taught pleading and civil procedure, criminal procedure, international human rights law, litigation skills, and professionalism. Critchlow served as director of the law school’s clinical program and as the school’s interim dean. He was a Fulbright scholar and lecturer at the University of Sibiu, Romania, 1993, and taught at Romania’s Black Sea University, 1995. He has served as a legal consultant for the American Bar Association in Romania and Jordan.

**Yuval Elbashan** is a community lawyer and social activist and worked in several countries around the world. He is Professor of Law Dean of Social Development at Ono Academic College. He was the Director of National Network of Socio-Legal Aid Storefronts; Founding Director of the Center for Clinical Legal Education for Human Rights and Social Responsibility
Richard Foster established the Multi-Disciplinary Clinic for the Faculty of Business and Economics at Monash University, Australia, and was appointed as an Industry Fellow of the same faculty in 2012. He has worked in the legal profession since 1997 in roles spanning telecommunications, banking and finance, and the investigation and prevention of corporate crime. He has also worked in commercial law as a Conciliator for the Energy and Water Ombudsman in Victoria and later for a welfare organization developing financial hardship policy and training. Prior to his appointment at Monash, Foster was the Chief Executive Officer of the Financial and Consumer Rights Council.

Nael Ghannam is Legal Coordinator and the Head of Office of the International Legal Foundation (ILF) in the West Bank, Palestine. He has specialized in criminal defense for the past several years. Before joining ILF, a New York-based NGO that provides free criminal defense services to accused persons in different countries, Advocate Ghannam worked as a partner in a private law firm in Ramallah, Palestine, and joined ILF-Palestine to pursue his passion for criminal defense work. He earned a law degree from the Mohammed V University in Rabat, Morocco.

Jeff Giddings is Professor of Law and Director of Professionalism at Griffith Law School in Brisbane, Australia. He established the Griffith Law School clinical program in 1995 and has written extensively on clinical legal education. In 2010, he completed his PhD on the sustainability of clinical legal education. His thesis was subsequently published as a book, *Promoting Justice Through Clinical Legal Education*. Giddings has received multiple teaching awards and a 2013 Australian Government Office for Learning and Teaching National Teaching Fellowship. He is responsible for research projects on supervision arrangements in clinical education and legal practice generally.

Richard Grimes is Director of Clinical Programs, University of York Law School, England. He qualified as a solicitor in 1977 and worked at several universities in England and Ireland. In 1990, he joined Sheffield Hallam University where he established an in-house solicitors’ practice. He was Director of the Institute for Justice and Applied Legal Studies, University of the South Pacific, 1995-1997. In 1998, he was appointed
Head of Law and Professor of Legal Education, University of Derby, UK. He served as an independent consultant in the UK, Afghanistan, Iran, and Nigeria, 2006-2010. Grimes has published widely on legal education.

**Katarzyna Gromek-Broc** teaches at the University of York Law School, England; in 2008, she was named head of the development of postgraduate programs. She was subsequently named a leader of postgraduate-taught programs and responsible for postgraduate admissions. Gromek-Broc received her PhD from the European University Institute in Florence and other postgraduate degrees from Paris II (Panthéon/Sorbonne). She has taught widely in Europe, Asia, Australia and South America, including the Institute of European Studies of Macau, Golden Gate University in San Francisco, and Stetson College of Law in Florida. Her research has attracted numerous awards and funding, including the Arts and Humanities Research Board Award (2003) and British Academy Award (2004). In 2006, Dr Gromek-Broc won the Strategic Fund Competition for her research on discrimination and has been sponsored by the Sir Reckitt Foundation on several occasions. Her research interests include European law, comparative law, labor law, cross-border insolvency law, bioethics, and human rights. She has published widely in these areas.

**Jan-Gero A Hannemann** has been engaged in clinical legal education for a number of years and studied law at the National University of Singapore. He previously studied in Geneva, Oxford, Madrid, and Göttingen. He is President of the Bund Studentischer Rechtsberater e.V. (BSRB), the German Legal Clinic umbrella organization, and published the first book on clinical legal education in Germany with Axel Springer SE. Hannemann is the head of the *German Journal of Legal Education*, and has established several legal clinic programs.

**Richard Hedlund** is a Lecturer in Law at the University of Lincoln, UK. He is also completing a PhD at the University of York Law School where he obtained his LLB and LLM in International Corporate and Commercial Law. Both of these degrees were earned through the problem-based learning (PBL) method. During his PhD studies, Hedlund taught in the LLB program, including as a PBL tutor. He has experience in PBL from both the student and tutor perspectives.

**Deena R Hurwitz** is Visiting Professor of Law and Acting Director of the International Human Rights Law Clinic at American University Washington College of Law (2015-2016). She was Professor of Law and
founding Director of the International Human Rights Law Clinic at the University of Virginia School of Law from 2003 until 2015. She has supervised students in cases and projects addressing gender-based violence, human rights training, rule of law, refugee and asylum status, Islamic family law, indigenous and cultural rights, and the right to an effective remedy. She has worked in Palestine, and led over a dozen delegations to the Middle East. She co-edited *International Human Rights Advocacy Law Stories* (Foundation Press 2009), and wrote a chapter in the book entitled *Universal Jurisdiction and the Dilemmas of International Criminal Justice: The Sabra and Shatila Case in Belgium*. Hurwitz received her JD from Northeastern University Law School, Boston, USA.

**Jan Lampe** studies law at the University of Göttingen, Germany. He spent one year at the Nanjing University in China. He has engaged in clinical legal education for a number of years and is a co-founder and Vice President of Bund Studentischer Rechtsberater e.V. (BSRB), the German Legal Clinic umbrella organization.

**Assaf Likhovski** is Associate Dean for Research and a former Director of the Cegla Center for Interdisciplinary Study of the Law and the David Berg Foundation Institute for Law and History. He is the author of *Law and Identity in Mandate Palestine* (University of North Carolina Press 2006), and articles on legal history. He was Visiting Professor at Cardozo Law School, University of Toronto Faculty of Law, and the University of California, Los Angeles School of Law and Department of History.

**Nisreen Mahasneh** is Professor at the Law School of Yarmouk University, Jordan, and a specialist in private law. Her areas of interest are contracts, responsibility, tort, and clinical legal education. She has published articles in regional and international journals and three books on international trade, legal research and writing, and contract law. Dr Mahasneh worked as a senior legal education specialist at the American Bar Association Rule of Law Initiative in Jordan, contributing to the establishment of a number of legal clinics. She has participated in a number of international conferences and carried out training-of-trainers seminars on the promotion of innovative educational techniques.

**Sahar Maranlou** is the author of *Access to Justice in Iran: Women, Perceptions and Reality* (Cambridge University Press 2014). She is a Fellow of Sassakawa Peace Foundation and a postdoctoral research officer in the Modern Middle Eastern Studies, University of Oxford. Maranlou
has written extensively on topics such as the Iranian legal system, gender and empowerment. She has also provided her expertise to organizations such as UNICEF and the UN Development Programme. Maranlou has taught Islamic Law and International Human Rights at the University Warwick and the University of Brunel in the UK. She is a former member of the steering committee for the Global Alliance of Justice Education.

David McQuoid-Mason is Professor of Law at the Centre for Socio-Studies, University of KwaZulu-Natal, South Africa, Advocate of the High Court of South Africa and President of the Commonwealth Legal Education Association. He is the Founder of the South African Street Law program and Co-founder of the Democracy for All program. Professor McQuoid-Mason has published more than 130 articles in law and medical journals, two books, co-authored 18 books, contributed more than 60 chapters to books, and delivered over 300 papers at national and international conferences. He was honored by UNESCO for his work in human rights education, and has been awarded honorary degrees by the Universities of Windsor, Canada, and Northumbria, England, for his access to justice and clinical legal education work around the world.

Donald Nicolson is Professor at the University of Strathclyde Law School, Scotland. He is founding director of the school’s multi-award winning law clinic and was founding director of the University of Bristol Law Clinic. Nicolson has co-authored a book on lawyers’ ethics, co-edited books on affirmative action and criminal law, and published almost 40 articles on clinical education, evidence theory, gender, and adjudication. He is on the editorial board of Legal Ethics and International Journal of the Legal Profession. He is a trustee of the recently established LawWorks Scotland, promoting voluntary legal work, and of the Clinical Legal Education Organisation. He is a member of the Law Society of Scotland’s Access to Justice Committee. In 2011, Professor Nicolson was awarded an Order of the British Empire for services to the legal profession.

Kevwe M Omoragbon obtained her LLB degree from the Obafemi Awolowo University, Nigeria, in 2001 and proceeded to the Nigerian Law School, where she qualified in 2003 as a Barrister and Solicitor of the Supreme Court of Nigeria. She is currently a doctoral candidate and Associate Lecturer at the Northumbria University Law School, Newcastle, England. Her fields of research include clinical legal education, experiential learning, and assessment for learning. In 2007, she was the
pioneer clinic administrator of the Women’s Law Clinic, University of Ibadan, Nigeria, where she helped raise funds for clinical projects.

**Rebecca Parker** is Senior Lecturer at Northumbria University Law School, England, and Solicitor Tutor at the multi-award winning Student Law Office. She worked as Pro-Bono Coordinator and Supervising Solicitor at the College of Law in Birmingham, having qualified as a Solicitor in 2004. She managed and developed a number of pro bono programs, providing a live-client experience for up to 400 students per year. She originally trained and worked as a nurse, an experience that contributed to her interest in and commitment to ‘hands-on’ learning. Her research interests are in clinical legal education and access to justice.

**Natalie Rea** is the founder and former Executive Director of the International Legal Foundation (ILF), New York. She has mentored, trained, and supervised lawyers in Afghanistan, Nepal, Palestine, and Tunisia to practice dynamic criminal defense. She is a former Law Clerk to US District Judge Thomas C Platt of the Eastern District, New York, and is a lawyer in The Legal Aid Society’s Criminal Appeals Bureau, New York, where she represented defendants in post-conviction proceedings.

**Shuvro Prosun Sarker** is an Assistant Professor at the Kalinga Institute of Industrial Technology (KIIT University) School of Law, India. He holds a LLB degree from the University of Calcutta and LLM from the National University of Juridical Sciences (NJUS), India. Sarker is active in legal aid activities and is the Assistant Editor of *Asian Journal of Legal Education*. He edited *Legal Education in Asia* (The Hague 2014), and *Clinical Legal Education in Asia* (New York 2015).

**Sanford R Silverburg** is Professor Emeritus, Department of History and Politics, Catawba College, USA, where he taught for more than 40 years. He was a specialist in international law and relations, focusing on the government and politics of the Middle East. He has lectured and published internationally and is the Editor of *Palestine and International Law: Essays on Politics and Economics* (2008), and *International Law: Contemporary Issues and Future Developments* (2011).

**Nicole Taylor** is Program Director, International Legal Foundation (ILF), New York, and an experienced criminal defense lawyer. She works closely with ILF country program lawyers, paralegals and management staff, with an emphasis on training, mentoring, systemic litigation, and building
relationships with stakeholders. Prior to joining ILF, Taylor worked as a staff attorney at the Public Defender Association of Philadelphia and an associate attorney with the law firm of El-Shabazz & Harris, LLC. She spent a summer interning with the Judicial Inspectorate of Prisons, Cape Town, South Africa, where she researched post-apartheid prison reform.

Jacopo Terrosi holds an LLM in International Humanitarian Law and Human Rights from the Geneva Academy of International Humanitarian Law and both an MA in International Relations and BA in International Studies from the Università degli Studi di Firenze, Italy. Currently, he collaborates with the Military Law and Law of War Review and with the Cassese Initiative for Justice, Peace and Humanity in Geneva. Terrosi worked as Analysis Assistant at the Office of the Prosecutor of the International Criminal Court and as assistant to a former member of the United Nations Committee on Economic, Social, and Cultural Rights.

Mary Pat Treuthart is Professor at Gonzaga University School of Law, USA. She has taught clinical and classroom courses on family law, criminal law, international human rights law, and comparative women’s rights. During the spring semester 2012, she served as an American Bar Association (ABA) Rule of Law Initiative Pro Bono Legal Education Specialist in Doha, Qatar. Treuthart was a Fulbright Scholar and Lecturer at Marie Curie Sklodowska University in Lublin, Poland, 2002, and served as a Legal Specialist for the ABA-Central & East European Law Initiative in Pristina, Kosovo, 2006. She is a faculty advisor to the Gonzaga Journal of International Law and serves as a coach to the Jessup Moot Court team.

Anand K Tripathi is Professor of Law, Raksha Shakti University, India. He obtained his BA, LLB, LLM, and DPhil in Law from the University of Allahabad, India. He lectured at G Singh Vidhi Mahavidyalaya, Allahabad, and was a visiting professor at a number of Indian universities. Tripathi has taught family law, criminal law, globalization and gender, clinical legal education, Islamic Law, torts, and administrative law. He has published articles in national and international journals and is head of the discipline committee at Gujarat National Law University, India.

Julian Udich is Referendar at the Hamburg High Court, Germany, and has worked as a Research and Teaching Assistant in international law, Bucerius Law School in Hamburg. His research focuses on public international law, European law, and legal theory. Udich co-founded the Bucerius Law Clinic and was in charge of its legal aspects.
PART I

GLOBAL LEGAL EDUCATION APPROACHES
INTRODUCTION

Legal education has gone global, thanks to law clinics, the internet, an end to the Cold War, immigration, the evolution of human rights norms, moot courts, street law, and cultural, educational, and linguistics exchange programs. In his edited book, *Global Clinical Movement: Educating Lawyers for Social Justice*, Professor Frank Bloch and educators from different regions around the world discuss some of these issues. In his theoretical note on clinical legal education, Yuval Elbashan leads off by showing that clinics are a meeting ground between the legal needs of the disempowered populations and the legal services provided by the university, where students accrue skills and practical experience. Jeff Giddings, an Australian clinical pioneer, explores the role of clinics in legal education reform, and the significance of supervision practices in experiential education.

In chapter one, Bloch argues that legal education institutions are inherently conservative, like academia in general, where change comes slowly. Efforts to reform professional education come slowly as well, paralleling the conservatism of the legal profession. Along came clinical pedagogy, where teachers sought to address the failure of law schools to prepare competent and professionally responsible lawyers by combining skills training with social action. Throughout its history, however, clinical education has been undercut by resistance based on three false dichotomies. Skeptics assume that clinics must be devoted either to teaching or to service, either skills training or social justice, and either research or advocacy. These dichotomies are not only false, but properly implemented, clinical education combines these three sets of supposedly opposite goals. In calling for a shift to ‘socially relevant legal education’ and the integration of the three principal elements of any law school’s mission (teaching, research, public service), the global clinical movement can help lead the way to lasting legal education reform.

Elbashan shows in chapter two that legal clinics also have pedagogical and research objectives. In effect, clinics are laboratories for researching and creating law; students study and research the experience of law and jurisprudence, social contexts, and the impact of these discoveries on
professionalism and social responsibilities. The community activist and professor adds that if we wish to move from law teaching to justice education, we ought to prefer the realization of the latter over the former, inasmuch as full realization of one comes at the expense of the other.

Giddings addresses in chapter three the relevance of effective supervision in harnessing the learning potential of experiential legal education. The chapter highlights supervision from multiple perspectives: those of the student, supervisor, and the law school. It questions the assumptions that are sometimes made about the effectiveness of lawyers as student supervisors. It touches upon the effective preparation of students for the supervisory relationship and examines the supervision landscape in Australian clinical education as a case study for success. It draws on the supervision literature from other disciplines, particularly in the health area, with the aim of building collective understanding of practices sustainable in the way they support students and supervisors.
Reforming legal education is always a challenge. It involves two inherently conservative institutions: the legal profession and the legal academy. While it is fair to say that clinical legal education has contributed substantially to the reform of legal education around the world over the past decades, it continues to face substantial headwinds on a number of fronts. Most generally, one sees resistance to clinical legal education’s emphasis on the practice of law—what lawyers do and how they should do it—as opposed to what the law is and what it might be. Many in the profession believe that lawyer training is the responsibility of the practicing bar. And many legal education institutions agree. More specifically, clinics face resistance to the experiential methodology centered on student interaction with the community on issues of social justice. Three alleged dichotomies faced by clinical programs have been put forward regularly to limit the relevance of clinical legal education on broader legal education reform, not only by clinical education’s detractors, but sometimes within the clinical movement itself.

The three dichotomies that have been raised over and over to limit the scope of clinical legal education are skills v social justice, teaching v service, and research v advocacy. These are either/or, black/white distinctions that come up regularly where clinical legal education is being proposed, and are often used to block the full development of law school clinics. The idea is simple: clinics focus on either professional skills or on social justice; they are designed either to teach or to provide service; clinical teachers engage either in academic research or in advocacy. It is not to say that both sides of these dichotomies are not present in clinical